THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

| IN RE: TERRORIST ATTACKS ON SEPTEMBER 11, 2001 |) (| 93 MDL 1570 (RCC) |
|---|-------------|-------------------|
| Relates to: |) | |
| Thomas Burnett, et al., |) | 03 CV 5738 (RCC) |
| v. | , | 3 CV 9849 (RCC) |
| Al Baraka Investment & Development Corp., <i>et al.</i> |))) | |

NOTICE OF MOTION OF DEFENDANT SAMI OMAR AL-HUSSAYEN TO DISMISS COMPLAINT

PLEASE TAKE NOTICE THAT pursuant to Fed. R. Civ. P. 12, Defendant Sami Omar Al-Hussayen, through his attorneys, will move this Court, before the Honorable Richard Conway Casey, on such date as the Court directs, for an order dismissing the claims asserted against him in the above captioned proceeding. A Memorandum of Law in support of this Motion is contemporaneously filed.

DATED this 23rd day of July, 2004.

Joshua L. Dratel Marshall A. Mintz JOSHUA L. DRATEL, P.C. 14 Wall Street, 28th Floor New York, NY 10005 Telephone: 212-732-0707

Facsimile: 212-571-6341

David Z. Nevin (DN2615) Scott McKay (SM3530) Dean Arnold (DA6178) NEVIN, BENJAMIN & MCKAY LLP 303 West Bannock P.O. Box 2772 Boise, ID 83701

Telephone: 208-343-1000 Facsimile: 208-345-8274

Attorneys for Defendant Sami Omar Al-Hussayen

CERTIFICATE OF SERVICE

| I hereby certify that on this 23 RD day of July, 2004, I caused copies of the Notice of Motion | | |
|--|--|--|
| of Defendant Sami Omar Al-Hussayen to Dismiss Complaint and Memorandum of Law in | | |
| Support of Motion to Dismiss of Sami Omar Al-Hussayen to be served electronically pursuant | | |
| to the Court's ECF system. | | |
| | | |
| | | |
| | | |
| | | |
| Ioshua L. Dratel | | |